

HOUSE BILL No. 1348

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-17.

Synopsis: Leave for victims of domestic or family violence. Provides for up to 30 days of safe leave in a 12 month period for an employee to deal with issues related to domestic or family violence. Permits an employee to take unpaid safe leave for up to three consecutive days per absence. Provides that an employee accrues one day of paid safe leave for every 30 days worked, beginning on the ninety-first day after the employee's date of hire. Allows an employer to require documentation of an employee's eligibility for safe leave. Requires an employee to make a good faith effort to provide advance notice to the employer of the need for safe leave whenever the need is foreseeable. Provides that an employer shall not: (1) interfere with, restrain, or deny the exercise of or the attempt to exercise any right related to safe leave; or (2) use an employee's taking of safe leave as a negative factor in an employment action. Provides that an employee may bring a civil action at law to enforce rights related to safe leave, and a circuit court may: (1) enjoin any act or practice that violates the chapter; and (2) order any other equitable relief that is just and proper. Requires every employer to post in a conspicuous place a notice describing the right to safe leave.

Effective: July 1, 2015.

Kirchhofer

January 13, 2015, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1348

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-2-17 IS ADDED TO THE INDIANA CODE AS
2 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:
4 **Chapter 17. Safe Leave for Victims of Domestic or Family**
5 **Violence**
6 **Sec. 1. This chapter applies to all employers.**
7 **Sec. 2. As used in this chapter, "domestic or family violence"**
8 **has the meaning set forth in IC 34-6-2-34.5.**
9 **Sec. 3. As used in this chapter, "employee" means an individual**
10 **employed or permitted to work or perform services for**
11 **remuneration under a contract of hire, written or oral, by an**
12 **employer.**
13 **Sec. 4. (a) As used in this chapter, "employer" means a person**
14 **or entity that employs at least one (1) employee in Indiana.**
15 **(b) The term includes the state and political subdivisions of the**



1 state.

2 **Sec. 5. As used in this chapter, "family or household member"**
3 **has the meaning set forth in IC 34-6-2-44.8.**

4 **Sec. 6. (a) An employee who:**

5 **(1) works in Indiana; and**

6 **(2) is absent from work for a reason related to domestic or**
7 **family violence as set forth in section 7 of this chapter;**

8 **is entitled to safe leave for the absence as provided by this chapter.**

9 **(b) An employee may take safe leave during a period not to**
10 **exceed one (1) year following the date on which the employee was**
11 **involved in an incident of domestic or family violence.**

12 **Sec. 7. An employee who is absent from work for any of the**
13 **following reasons related to domestic or family violence may use**
14 **safe leave for the absence as provided by this chapter:**

15 **(1) To meet with prosecutors and representatives of law**
16 **enforcement agencies.**

17 **(2) To seek or receive legal assistance.**

18 **(3) To participate in civil or criminal proceedings, including**
19 **a petition for an order for protection under IC 34-26-5.**

20 **(4) To seek medical attention for, or to recover from, physical**
21 **injuries.**

22 **(5) To receive psychological or other counseling.**

23 **(6) To obtain services from victim assistance programs.**

24 **(7) To relocate or take other necessary steps to increase the**
25 **employee's safety.**

26 **Sec. 8. (a) An employee is entitled to unpaid safe leave for a**
27 **period not to exceed three (3) consecutive days per absence at any**
28 **time.**

29 **(b) Beginning on the ninety-first day after the employee's date**
30 **of hire, an employee accrues paid safe leave at the rate of one (1)**
31 **day for every thirty (30) days worked.**

32 **(c) The safe leave allowed an employee under this chapter may**
33 **not exceed a total of thirty (30) days in a twelve (12) month period.**

34 **(d) An employee may elect to substitute any earned paid**
35 **vacation leave, personal leave, or other paid leave available to the**
36 **employee for any part of the unpaid safe leave provided under this**
37 **chapter.**

38 **Sec. 9. (a) An employer may require documentation of an**
39 **employee's eligibility for the safe leave.**

40 **(b) Acceptable documentation under this section must relate to**
41 **the reason for the employee's absence and includes any of the**
42 **following:**



1 (1) A copy of an applicable restraining order or protective
2 order.

3 (2) A letter from a prosecutor or a representative of a law
4 enforcement agency.

5 (3) Documentation concerning the conviction of the family or
6 household member perpetrating an incident of domestic or
7 family violence in which the employee was involved.

8 (4) Medical documentation related to the injuries of the
9 employee resulting from an incident of domestic or family
10 violence.

11 (5) A letter from a domestic violence or rape crisis center.

12 (6) Documentation from a social worker, clergy member,
13 shelter, worker, or other professional who has assisted the
14 employee following an incident of domestic or family violence.

15 Sec. 10. Whenever the need to use safe leave is foreseeable, the
16 employee shall make a good faith effort to provide advance notice
17 to the employer of the need for the safe leave.

18 Sec. 11. (a) An employer shall not interfere with, restrain, or
19 deny the exercise of or the attempt to exercise any right provided
20 under this chapter.

21 (b) An employer shall not use an employee's taking of safe leave
22 under this chapter as a negative factor in an employment action,
23 including hiring evaluation, promotion, disciplinary action, or
24 termination.

25 Sec. 12. (a) An employee may bring a civil action at law to
26 enforce this chapter.

27 (b) A circuit court may:

28 (1) enjoin any act or practice that violates this chapter; and

29 (2) order any other equitable relief that is just and proper
30 under the circumstances to redress the violation of or to
31 enforce this chapter.

32 Sec. 13. Every employer subject to this chapter shall post in a
33 conspicuous place in the workplace a notice describing the right to
34 safe leave and other protections required under this chapter.

